

be furnished the employee, and another copy furnished to the creditor agency along with notice of the employee's transfer.

(ii) *Official personnel folder insertion; new paying agency.* Information on the debt claim must be inserted in the employee's official personnel folder along with a copy of the certification of the amount which has been collected. Upon receiving the official personnel folder, the new paying agency must resume the collection from the employee's current pay account and notify the employee and the creditor agency of the resumption. It will not be necessary for the creditor agency to repeat the due process procedures described by 5 U.S.C. 5514 of this subpart in order to resume the collection. However, it will be the responsibility of the creditor agency to review the debt upon receiving NASA's notice of the employee's transfer to make sure the collection is resumed by the new paying agency.

(d) *Processing the debt claim upon receipt*—(1) *Incomplete claim.* If NASA receives incomplete debt claim information, it must return the request with a notice that procedures under 5 U.S.C. 5514 and this subpart must be provided and complete debt claim information received before action will be taken to collect from the employee's current pay account.

(2) *Complete claim.* If NASA receives a properly documented debt claim, deductions should be scheduled to begin prospectively at the next officially established pay interval. A copy of the debt claim request must be given to the debtor, along with notice of the date deductions will commence if different from that stated on the debt claim request.

(3) NASA is not required or authorized to review the merits of the creditor agency's determination with respect to the amount or validity of the debt as stated in the debt claim request.

#### **§ 1261.607 Obtaining the services of a hearing official.**

(a) When the debtor does not work for the creditor agency and the creditor agency cannot provide a prompt and appropriate hearing before an administrative law judge or before a

hearing official furnished pursuant to another lawful arrangement, the creditor agency may contact an agent of the paying agency designated in appendix A of 5 CFR part 581 to arrange for a hearing official, and the paying agency must then cooperate as provided by 4 CFR 102.1 and provide a hearing official.

(b) When the debtor works for the creditor agency, the creditor agency may contact any agent (of another agency) designated in appendix A of 5 CFR part 581 to arrange for a hearing official. Agencies must then cooperate as required by 4 CFR 102.1 and provide a hearing official.

## **PART 1262—EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS**

### **Subpart 1262.1—General Provisions**

Sec.

- 1262.101 Purpose of these rules.
- 1262.102 When the Act applies.
- 1262.103 Proceedings covered.
- 1262.104 Eligibility of applicants.
- 1262.105 Standards for awards.
- 1262.106 Allowable fees and expenses.
- 1262.107 Rulemaking on maximum rates for attorney fees.
- 1262.108 Awards against other agencies.
- 1262.109 Delegations of authority.

### **Subpart 1262.2—Information Required From Applicants**

- 1262.201 Contents of application.
- 1262.202 Net worth exhibit.
- 1262.203 Documentation of fees and expenses.
- 1262.204 When an application may be filed.

### **Subpart 1262.3—Procedures for Considering Applications**

- 1262.301 Filing and service of documents.
- 1262.302 Answer to application.
- 1262.303 Reply.
- 1262.304 Comments by other parties.
- 1262.305 Settlement.
- 1262.306 Further proceedings.
- 1262.307 Decision.
- 1262.308 Agency review.
- 1262.309 Judicial review.
- 1262.310 Payment of award.

AUTHORITY: 5 U.S.C. 504; 42 U.S.C. 2473(c)(1).

SOURCE: 51 FR 15311, Apr. 23, 1986, unless otherwise noted.